



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/942,161 | 08/29/2001 | David Glazer | 1050390-991111 | 6819 |

28765 7590 10/25/2004

WINSTON & STRAWN
PATENT DEPARTMENT
1400 L STREET, N.W.
WASHINGTON, DC 20005-3502

EXAMINER

PAULA, CESAR B

| | |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
|----------|--------------|

2178

DATE MAILED: 10/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--------------------------------------|--------------------------------------|--|
| Office Action Summary | Application No. 09/942,161 | Applicant(s) GLAZER ET AL. | |
| | Examiner CESAR B PAULA | Art Unit 2178 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 September 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 4, 6 and 9-62 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 4, 6, and 9-62 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: |

DETAILED ACTION

1. This action is responsive to the amendment filed on 9/20/2004.

This action is made Final.

2. In the amendment, claims 2-3, 5, and 7-8 have been canceled. Claims 9-62 have been added. Claims 1, 4, 6, and 9-62 are pending in the case. Claims 1, 6, and 44 are independent claims.

Information Disclosure Statement

3. The information disclosure statement filed on 2/27/2002 fails to comply with 37 CFR 1.98(a)(1), which requires a list of all patents, publications, or other information submitted for consideration by the Office. It has been placed in the application file, but the information referred to therein has not been considered. The IDS submitted on 9/20/2004 has not been considered, since it is a duplicate list of the patents listed on the IDS filed on 2/27/2002. However, the "Progress Report" listed in the 2002 IDS has not been considered, because it is missing from the file.

Priority

4. Acknowledgment is made of applicant's claim for domestic priority under 35 U.S.C. 119(e), and based on U.S. provisional application # 60/228,853 filed on 8/29/2000, which papers have been placed of record in the file.

Drawings

5. The drawings filed on 8/29/2001 have been approved by the examiner.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1, and 6 remain, and claims 4, 9, 11-27, 29-46, and 48-62 are rejected under 35 U.S.C. 102(b) as being anticipated by Ludwig et al, hereinafter Ludwig (Pat.# 5,689,641, 11/18/97).

Regarding independent claim 1, Ludwig discloses a multimedia system for enabling participants to share information using real-time—*rich media presentation*-- video, audio, windows, data snapshots of screen regions, etc., in such as way as to imitate face to face collaboration meetings (col.2, lines 56-col.3, line 20, col.6, lines 48-57). The video presented is in the NTSC format at 30 frames per second. This indicates time-sensitivity, since 30 video frames have to be presented by the time a second has elapsed—*dynamic objects that are time sensitive*.

Art Unit: 2178

Moreover, Ludwig discloses a server for the storage and recording of multimedia audio/video, and graphic files of multimedia teleconferences—*storing rich media presentation--*, which include audio/video participant interactions (col.9, lines 34-46, col.30, lines 33-64, and col.31, lines 7-18, 26-39).

In addition, Ludwig discloses presenting a user interface that allows users of multimedia client workstations in a network “MLAN” to view the multimedia files requested by multimedia clients from a server (col.18, line 64-col.19, line 27, col.31, lines 48-53, and col.32, lines 46-65, fig. 31A-D, 35-40).

Furthermore, Ludwig discloses the multiplexing or combining—*assembling a plurality of dynamic objects on a server--* of audio and video streams by the storage media in the server, so as to enable the clients in the network to download or playback the video streams stored in the server—*present a version of the rich media presentation* (col.31, lines 7-19, 27-39, and 48-53, and col.32, lines 46-65).

Regarding claim 4, which depends on claim 1, Ludwig discloses a client screen displaying full-motion video of the three conference participants, while another screen selected by a participant shows data being annotated—*at least one participant to modify the dynamic objects* (col.6, lines 53-57, col.21, lines 46-64, fig. 2A-2B).

Regarding independent claim 6, Ludwig a server for the storage and recording of multimedia audio/video files, windows, data snapshots of screen regions, etc., of multimedia teleconferences—*storing rich media presentation--*, which include audio/video participant

Art Unit: 2178

interactions (col.6, lines 48-57, col.9, lines 34-46, col.30, lines 33-64, and col.31, lines 7-18, 26-39). The video presented is in the NTSC format at 30 frames per second. This indicates time-sensitivity, since 30 video frames have to be presented by the time a second has elapsed—*dynamic objects that are time sensitive*.

In addition, Ludwig discloses presenting a user interface that allows users of multimedia client workstations in a network “MLANs” to view the multimedia files requested by multimedia clients from a server (col.18, line 64-col.19, line 27, col.31, lines 48-53, and col.32, lines 46-65, fig. 31A-D).

Furthermore, Ludwig discloses the multiplexing or combining—*assembling a plurality of dynamic objects on a server--* of audio and video streams by the storage media in the server, so as to enable the clients in the network to download or playback the video streams stored in the server—*present a version of the rich media presentation* (col.31, lines 7-19, 27-39, and 48-53, and col.32, lines 46-65).

Regarding claim 9, which depends on claim 1, Ludwig discloses the multiplexing or combining—*assembling a plurality of dynamic objects--* of audio and video streams by the storage media in the server, so as to enable the clients in the network to download or playback the video streams stored in the server—*present a version of the rich media presentation* (col.31, lines 7-19, 27-39, and 48-53, and col.32, lines 46-65).

Regarding claim 11, which depends on claim 1, Ludwig discloses the multiplexing or combining—*assembling a plurality of dynamic objects on a server--* of audio and video streams

Art Unit: 2178

by the storage media in the server, so as to enable the clients in the network to download or real-time playback the video streams stored in the server—*present a version of the rich media presentation* (col.31, lines 7-19, 27-39, and 48-53, and col.32, lines 46-65).

Regarding claim 12, which depends on claim 1, Ludwig discloses the video images are presented in the NTSC-quality tv performance at 30 frames per second (col.6, lines 37-44, 48-57). This implies that each video frame has a start and stop time, since 60 video frames must be displayed in a period of one second. For instance, the first video frame start time would be at 1/60 of the second, and a stop time of 2/60 of the same second.

Regarding claim 13, which depends on claim 1, Ludwig discloses the video images are presented to clients using various types of computers, such as computers in the UNIX, Apple, DOS, Windows, etc., operating systems—*dynamic objects that differ from each other only in their format characteristics* (col.6, lines 16-35).

Regarding claim 14, which depends on claim 1, Ludwig discloses clients' viewers playing back the video images are presented using various types of computers, such as computers in the UNIX, Apple, DOS, Windows, etc., operating systems, and different bandwidth, such as T1, ISDN, fractional T1, T3, etc.—*player type and bandwidth* (col.6, lines 16-35, and col.10, lines 33-41, col. 32, lines 49-67, fig.4).

Art Unit: 2178

Regarding claim 15, which depends on claim 1, Ludwig discloses that before the clients can access any video/audio resources, they must register the services they provide, so that a “collaboration initiator can find collaboration participants no matter where they are located—*video/audio to be matched* with the initiator based on the *registration or viewer profiling* (col.21, lines 5-35).

Regarding claim 16, which depends on claim 15, Ludwig discloses that before the clients can access any video/audio resources, they must register the services they provide, such as video call, snapshot sharing, conference, etc., —*permission levels* of services that can be accessed at a specific client-- so that a “collaboration initiator can find collaboration participants no matter where they are located (col.6, lines 16-22).

Regarding claim 17, which depends on claim 15, Ludwig discloses clients’ viewers playing back the video images are presented using various types of computers, such as computers in the UNIX, Apple, DOS, Windows, etc., operating systems, and different bandwidth, such as T1, ISDN, fractional T1, T3, etc.—*viewer attributes* (col.6, lines 16-35, and col.10, lines 33-41, col. 32, lines 49-67, fig.4).

Regarding claim 18, which depends on claim 17, Ludwig discloses clients’ viewers playing back the video images are presented using various types of computers, such as computers in the UNIX, Apple, DOS, Windows, etc., operating systems, and different

Art Unit: 2178

bandwidth, such as T1, ISDN, fractional T1, T3, etc.—*player type and bandwidth* (col.6, lines 16-35, and col.10, lines 33-41, col. 32, lines 49-67, fig.4).

Regarding claim 19, which depends on claim 1, Ludwig discloses a client screen displaying several windows representing the data shared among three conference participants—*overall view of the rich media presentation to a participant* (col.6, lines 53-57, fig.2A-2B).

Regarding claim 20, which depends on claim 1, Ludwig discloses a client screen displaying several windows representing a moment the data shared among three conference participants, is being annotated (col.6, lines 53-57, fig. 2B).

Regarding claim 21, which depends on claim 20, Ludwig discloses a client screen displaying full-motion video of the three conference participants, while another screen selected by a participant shows data being annotated (col.6, lines 53-57, col.21, lines 46-64, fig. 2A-2B).

Regarding claim 22, which depends on claim 20, Ludwig discloses a user interface that allows a user to select conference participants using a scrollable list—a *slider bar* (col.18, line 64-col.19, line 8, fig. 2A-2B).

Regarding claim 23, which depends on claim 20, Ludwig discloses a mechanism supporting the inter-file search capability to allow a user to search through and navigate stored audio/video or multimedia information or documents (col.31, lines 40-67).

Regarding claim 24, which depends on claim 20, Ludwig discloses presenting icons for controlling the presentation of video picture (col.21, lines 46-64, 35-36).

Regarding claim 25, which depends on claim 24, Ludwig discloses an expert answering the boss's questions while holding a visual conference—*a form of a quiz response* (col.38, lines 1-11, fig.40).

Regarding claim 26, which depends on claim 6, Ludwig discloses a client screen displaying full-motion video of the three conference participants, while another screen selected by a participant shows data being annotated—*modify the dynamic objects* (col.6, lines 53-57, col.21, lines 46-64, fig. 2A-2B).

Regarding claim 27, which depends on claim 6, Ludwig discloses the multiplexing or combining of audio and video streams—*assembling dynamic objects from a group comprising streaming audio and streaming video--* by the storage media in the server, so as to enable the clients in the network to download or playback the video streams stored in the server—*present a version of the rich media presentation* (col.31, lines 7-19, 27-39, and 48-53, and col.32, lines 46-65).

Claims 29-43 are directed towards a system for implementing the steps found in claims 11-25 respectively, and therefore are similarly rejected.

Claims 44-46, and 48-62 are directed towards a computer-readable medium for storing the computer-executable steps found in claims 1, 26, 9, and 11-25 respectively, and therefore are similarly rejected.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 10, 28, and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ludwig as applied to claim 1 above, and further in view of Bowman-Ammuah, hereinafter Bowman (US Pat.# 6,640,238 B1, 10/28/2003, filed on 8/31/1999).

Regarding claim 10, which depends on claim 1, Ludwig discloses the multiplexing or combining of audio and video streams (synchronized with other window graphics) by the storage media in the server, so as to enable the clients in the network to download or playback the video streams stored in the server—*storing object definitions* (col.31, lines 7-19, 27-39, and 48-53, and col.32, lines 46-65). Ludwig fails to explicitly disclose *storing object definitions in XML for a plurality of the dynamic objects*. However, Bowman teaches the use of the XML-based SMIL language for sorting multimedia content into separate elements using tags for linking the elements together (col.42, lines 47-60). It would have been obvious to one of ordinary

Art Unit: 2178

skill in the art at the time of the invention to have combined Ludwig, and Bowman, because Bowman teaches above elaborate multimedia presentation to be created out of smaller, less bandwidth-consuming components, which would save time and resources associated with the use of more bandwidth.

Claim 28 is directed towards a system for implementing the steps found in claim 10, and therefore is similarly rejected.

Claim 47 is directed towards a computer-readable medium for storing the computer-executable steps found in claim 10, and therefore is similarly rejected.

Response to Arguments

10. Applicant's arguments filed 9/20/2004 have been fully considered but they are not persuasive. The applicants argues that Ludwig does not teach the storage or assembling of dynamic "objects", because the Summary of the Invention states that objects are the object-oriented types, which have properties, such as start time, end time, and linked documents (page 8, lines 20-page 9, line 2). The examiner disagrees that the audio and video described by Ludwig does not comprise objects of the object-oriented type, because Ludwig teaches the real-time playback of audio and video files (synchronized with window system graphics—*linked documents*) stored in a server (col.31, lines 30-37, and 49-53). In addition, applicants indicate in

Art Unit: 2178

the Summary of the Invention that the invention is directed toward “storage and presentation of dynamic objects, as exemplified by, but not limited to streaming audio, and streaming video”, and “[T]he linked documents are logical functions, such as audio-visual objects or elements” (page 1, lines 29-30, and page 2, lines 10-11 respectively). So then, the objects taught by Ludwig and those described by the specification have the same characteristics, because they are the same streaming audio and video.

Moreover, applicants submit that Ludwig does not teach or show dynamic objects, which are time-sensitive (page 9, lines 14-15). The examiner disagrees, because Ludwig discloses a multimedia system for enabling participants to share information using real-time—*rich media presentation*-- video, audio, windows, data snapshots of screen regions, etc., in such as way as to imitate face to face collaboration meetings (col.2, lines 56-col.3, line 20, col.6, lines 48-57). The video presented is in the NTSC format at 30 frames per second. This indicates time-sensitivity, since 30 video frames have to be presented by the time a second has elapsed—*dynamic objects that are time sensitive*.

Further, applicants submit that Ludwig does not teach any type of assembling, and teaches a recorded conference which requires no assembly (page 9, lines 19-21, page 10, and lines 1-4 respectively). Ludwig discloses the multiplexing or combining—*assembling a plurality of dynamic objects on a server*-- of audio and video streams by the storage media in the server, so as to enable the clients in the network to download or real-time playback the video streams

Art Unit: 2178

stored in the server—*present a version of the rich media presentation* (col.31, lines 7-19, 27-39, and 48-53, and col.32, lines 46-65).

Further, applicants submit that Ludwig teaches away from the time-sensitive characteristics of amended claim 1 (page 10, lines 16-24). The examiner disagrees, because the video and audio taught by Ludwig has a set timing, such as NTSC 30 frames per second timing as indicated above. In this instance, the timing is determined by the NTSC format of the video/audio. Any application presenting or playing back the video/audio files must support the NTSC format in order for any presentation to take place. Therefore, there is no conflict over timing control, because timing is determined by the format of the video/audio files.

Moreover, claims 4, and 9-25 are rejected at least based upon their dependency on the independent claim 1.

Moreover, claims 6, and 26-43 are rejected at least based upon the same rationale stated above.

Furthermore, claims 44, and 45- are rejected at least based upon the same rationale stated above.

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

I. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cesar B. Paula whose telephone number is (571) 272-2148. The examiner can normally be reached on Monday through Friday from 8:00 a.m. to 4:00 p.m. (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong, can be reached on (571) 272-4124. However, in such a case, please allow at least one business day.

Any response to this Action should be mailed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Application/Control Number: 09/942,161

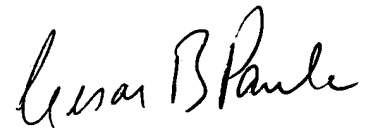
Page 15

Art Unit: 2178

Or faxed to:

- (703) 703-872-9306, (for all Formal communications intended for entry)

**Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,
Arlington, VA, Sixth Floor (Receptionist).**



CESAR B PAULA
Patent Examiner
Art Unit 2178

10/21/04